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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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7590      06/30/2004

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

*Catherine Anne Whealy* (Depositor's name)  
*Catherine Anne Whealy* (Signature)  
*September 3, 2004* (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,079	06/23/2003	Heinrich Westhoff		1523

TITLE OF INVENTION: SCAEVOLA PLANT NAMED 'WESSCAEDIA'

*- See attached letter - \$640.00*

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE DUE	DATE DUE
nonprovisional	NO	\$640	\$300	\$940	09/30/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
KIZILKAYA, MICHELLE R	1661	PLT-363000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

*C. A. Whealy*

1 \_\_\_\_\_  
2 \_\_\_\_\_  
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**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

*Josef und Heinrich Westhoff  
Gartenbau - Spezialkulturen*

*Sindelfingen, Germany  
OEGDING*  
 individual    corporation or other private group entity    government

Please check the appropriate assignee category or categories (will not be printed on the patent);

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A check in the amount of the fee(s) is enclosed.

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<p>(Authorized Signature) <i>Catherine Anne Whealy</i> (Date) <i>9/23/04</i></p> <p>NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.</p> <p>This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.</p> <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p>	<p>10/01/2004 AWONDAF2 00000028 10602079</p> <p>01 FC:1503                    640.00 OP</p>
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TRANSMIT THIS FORM WITH FEE(S)



## UNITED STATES PATENT AND TRADEMARK OFFICE

Office of Patent Publication  
Pre-Grant Publication Division

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/602,079	06/23/2003	Heinrich Westhoff	None

Catherine Anne Whealy  
Proprietary Rights International  
P.O. Box 220  
Tolar TX 76476

1523

Date Mailed: September 28, 2004

## LETTER VACATING REQUIREMENT FOR PUBLICATION FEE

This is in response to your telephone inquiry on September 28, 2004, in the above-identified application indicating that the application should not have been published. The application was filed with a valid Non-Publication request. No publication fee is required.

The requirement for a publication fee is vacated.

If the applicant has filed a payment of the publication fee, a request for refund accompanied by a copy of this letter may be mailed to:

Mail Stop PGPUB  
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P.O. Box 1450  
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If the applicant has not yet filed a payment of the publication fee, a copy of this letter should be submitted along with the issue fee payment.

Questions relating to this communication should be directed to the undersigned by telephone at (703) 606-4283.

Barbara J. DeBonam  
Program Analyst  
Pre-Grant Publication Division  
Office of Patent Publication